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THE WEEKLY CLOSER

FROM THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
MAJORITY PRESS OFFICE

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QUOTE OF THE WEEK...

“President Bush can in good conscience offer a polite rebuff to his friend Tony Blair when the British Prime Minister presses for American action on climate change at the upcoming G-8 summit in Scotland. Likewise, if Senators are going to insist on passing a pork-laden energy bill, the least they could do is avoid senseless limits on future economic growth such as the Kyoto-lites on offer from Messrs. McCain, Lieberman and Bingaman.”

The Wall Street Journal
Review & Outlook
Kyoto By Degrees
June 21, 2005

INHOFE APPLAUDS SENATE'S SOUND REJECTION OF MANDATORY CAPS ON CARBON DIOXIDE EMISSIONS

On Wednesday, Sen. James Inhofe (R-Okla.), Chairman of the Environment & Public Works Committee, applauded the Senate's 38-60 rejection of the McCain-Lieberman climate change amendment to the energy bill.

“The Senate's sound rejection of mandatory carbon caps is a victory for American families and businesses large and small. With the addition of five votes against the measure beyond the previous 43-55 vote in 2003, the momentum is clearly moving against mandatory caps. The defeat of the McCain-Lieberman amendment today also puts the country one step closer to a badly needed national energy policy that will improve our energy security and boost energy reliability.

Most recognize that the science simply does not support the need for mandatory carbon caps. A rush to judgment in favor of caps would have cost our country more than one million jobs and hundreds of billions of dollars in reduced GDP.

As the G8 Summit approaches, our delegation would be wise to remember that Prime Minister Tony Blair himself does not ‘believe the way to tackle global warming is by introducing policies that will undermine our prosperity or economic growth.’”

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CLEAN ENERGY: FOR LIBERAL SPECIAL INTERESTS, THERE ARE NO ALTERNATIVES

Even while climate change alarmists and their liberal special interest allies maintain that climate change is the largest threat facing the environment, their refusal to consider energy sources such as nuclear power, included as a provision in the failed McCain-Lieberman amendment to the energy bill, demonstrates that these same groups are willing to sacrifice jobs here at home and impose higher costs of living on American families instead of embracing alternative energy sources.

These groups' own failure to consider any workable solution to the nation's energy challenges, along with their failure to grasp the potential negative impact on the American economy, will only lead to the more resounding rejections of legislation similar to McCain-Lieberman.

Consider their objections to these alternative sources:

- **Natural Gas?** **Nay**

Environmental groups will sometimes tout natural gas as a “cleaner coal” but very rarely support making natural gas more available. In 2000, the Sierra Club and the Natural Resources Defense Council (NRDC) “hailed a proposal for the Washington Metropolitan Area Transit Authority (Metro) to buy as many as 100 compressed natural gas buses for next year.” But the Sierra Club's California and Nevada chapters voted to oppose both onshore and offshore liquefied natural gas (LNG) facilities even though the Club supported natural gas over nuclear energy and coal.

To address its need for natural gas, California has sought to import gas from Canada in addition to other states. Yet, certain special interest organizations have mobilized to oppose Canadian exports of gas to the U.S. For example, a joint Sierra Club and Natural Resources Defense Council report argues against increasing the pipeline infrastructure to deliver the cleanest-burning fossil fuel to California and other places. It is worth noting that some special interest groups are consistently changing their position on key issues depending on their intended spin that day. As noted above, the NRDC opposes increasing pipelines from Canada. However, NRDC attorney, Patricio Silva testified before the House Energy & Commerce Committee in opposition to increasing supplies of natural gas. In support of his position he said, “[i]t is important to point out that with natural gas the issue is less about the need to find new supplies, than the need to develop infrastructure to deliver these supplies to market.”

Energy Justice Networks says, “Natural gas is a fossil fuel that is often promoted as ‘cleaner’ than coal, but which has its own serious environmental hazards. Natural gas extraction threatens ecosystems from northern Alaska and Canada to the Gulf of Mexico, including drilling on farms, public lands, forests and parks, off of U.S. coastal waters and possibly even under the Great Lakes.”

- **Nuclear Energy?** **Nay**

Greenpeace co-founder Patrick Moore told a U.S. congressional committee a month ago, "I believe the majority of environmental activists, including those at Greenpeace, have now become so blinded by their extremist policies that they fail to consider the enormous and obvious benefits of harnessing nuclear power to meet and secure America's growing energy needs."

- **Hydrogen Power?** **Nay**

Hydrogen power, according to two retired professors from the University of Colorado, is also not a solution explaining, "...a hydrogen economy would be more expensive and use more primary energy than other options. Moreover, it would require many hundreds of billions of dollars to build a storage and transport infrastructure. We should not accept President Bush's statement that hydrogen will replace oil without examining other options that are more economical and for which the technology and infrastructure already exist."

- **Wind?** **Nay**

Matthew Robins of Friends of the Earth makes clear they believe global warming so important that they are willing to sacrifice birds, even endangered birds explaining, "If you think wind farms destroy the environment that is nothing compared to the damage climate change will wreak on the world." But not all environmental groups agree, as Campaign to Protect Rural England, the Royal Society for the Protection of Birds, the Wildlife Trust and others believe that wind turbines would spoil views and could harm birds.

- **Hydropower?** **Nay**

Save Our Wild Salmon takes issue with hydropower because they claim it kills fish. Their recent press release states "The region's dependence on hydropower creates several potential problems. First, the power supply is highly variable, depending on the amount of rainfall in the region, and this variability affects costs . . . Second, the dams necessary for the hydroelectric plants threaten the well being of the salmon populations . . . Third, the capacity of the hydroelectric plants has reached a maximum, and hydroelectric power will not be able to support the region's projected growth and increased demand for electricity."

With these objections and this hypocrisy in mind, there only seems to be one answer from their perspective: pull the plug.

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INHOFE APPLAUDS REFINERY PROVISION IN

ENERGY BILL TO SPUR INVESTMENT

Sen. Inhofe today applauded the inclusion of a key provision in the energy bill he negotiated that will help spur investment in refinery construction and capacity expansion.

“This provision is critical to expanding refinery capacity,” Senator Inhofe said. “With gas prices what they are today, it’s clearly important to American consumers that we offer incentives that will result in reduced costs and increased output to help meet demand. Currently, domestic refiners are operating at near peak capacity. Even if the Nation was able to increase its crude oil stocks, the current lack of sufficient refining capacity would not translate into much of an increase in usable fuel supply.”

Early on in energy bill discussions, Senator Inhofe considered the impact of environmental regulations on both the siting of refineries and the effect more stringent fuel requirements have on gasoline supplies and price. In May 2004, Senator Inhofe chaired a hearing before the Senate Environment & Public Works Committee to review the environmental regulatory framework affecting oil refining and gasoline policy. The hearing found that resources which otherwise would have likely been invested to meet increased U.S. demand were diverted to comply with cleaner fuels regulations.

In an April 2005 letter to Senate Finance Committee Chairman Charles Grassley and Ranking Member Max Baucus, Senator Inhofe addressed the need for provisions that would promote additional capacity at U.S. refineries, including a recommendation that new capacity-expanding refining assets be given similar tax treatment as other manufacturers.

The provision included by the Senate Finance Committee permits a refinery to expense the costs of the infrastructure if it expands by five percent capacity or to expense 100 percent if a new refinery is built. Construction must occur by January 2008 and the facilities must be placed into service before January 2012.

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INHOFE INTRODUCES PEST MANAGEMENT AND FIRE SUPPRESSION FLEXIBILITY ACT

On Monday, Senator Inhofe introduced bipartisan legislation to affirm the treatment of pesticides under the Clean Water Act (CWA) to protect the nation’s food supply, public lands and the public health.

“Until some recent court decisions, the application of agricultural and other pesticides in full compliance with labeling requirements did not require NPDES permits,” Senator Inhofe said. “Because pesticides undergo lengthy testing under FIFRA including tests to ensure water quality and aquatic species preservation, a NPDES permit was considered unnecessary and duplicative. These court decisions, commonly known as Talent and Forsgren, contradict years of federal policy and undermine the manner in which the Federal Government regulates

farmers, foresters, irrigators, mosquito abatement officials, and other pesticide applicators.”

The Pest Management and Fire Suppression Flexibility Act will codify the Environmental Protection Agency’s proposed rule reiterating that a National Pollutant Discharge Elimination System (NPDES) permit is not required when a pesticide is applied, consistent with its label, to, near or over a waterway. The bill goes a step further than the EPA proposed rule by affirming Congressional intent and the long-held positions of Republican and Democratic administrations that Clean Water Act permits are not needed for pesticides sprayed in full compliance with their EPA approved label. It further affirms long standing practices with regard to the Clean Water Act and fire suppression and other forest management activities.

The EPA’s proposed rule is an excellent step forward but it does not go far enough. It does not protect farmers, irrigators, mosquito abatement districts, fire fighters, federal and state agencies, pest control operators or foresters vulnerable to citizen’s lawsuits, simply for performing long-practiced, expressly approved and already heavily regulated pest management and public health protection activities. Without such protection, those who protect us from mosquito borne illnesses, other pest outbreaks or combat destructive and catastrophic forest fires will remain vulnerable to lengthy and costly litigation. The Inhofe bill would provide this much needed protection from frivolous lawsuits.

Pesticides are subjected to strict testing under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), ensuring water quality and aquatic species preservation. Because of this testing process, an NPDES permit was considered unnecessary and duplicative.

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D.C. CIRCUIT COURT DEALS YET ANOTHER SETBACK TO DEMOCRATS’ CLEAN AIR LITIGATION STRATEGY

In one week, Democrats’ clean air litigation strategy has failed twice. The latest setback came today as the D.C. Circuit Court of Appeals upheld the first phase of the Bush Administration’s 2002 New Source Review reforms.

NSR reforms are important, but President Bush’s Clear Skies legislation continues to prove to be the better way for improving the nation’s air quality. As noted last week, failed lawsuits against a handful of companies accomplish nothing to improve air quality.

Clear Skies legislation provides a better approach for future emissions reductions through a proven market-based cap-and-trade approach that will result in a 70 percent cut in pollution from 1,300 power plants nationwide. Clear Skies will bring the overwhelming majority of U.S. counties into compliance with the strict new health-based air quality standards implemented last year by the Bush Administration.

IN THE NEWS...

The Wall Street Journal

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June 21, 2005;

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Something strange is happening in the U.S. Senate -- or at least stranger than usual. The world's greatest deliberative body is hurtling toward passage of limits on greenhouse gases, even as the scientific case for such a mini-Kyoto Protocol looks weaker all the time.

Recall that as recently as 1997 the Senate voted 95-0 for the Byrd-Hagel Resolution assailing Kyoto's provisions. Bill Clinton never even brought the Protocol up for a vote. But all of a sudden such limits are said to be a political "inevitability" in a Republican Senate. Energy Chairman Pete Domenici says he's open to the John McCain-Joe Lieberman mini-Kyoto, and New Mexico Democrat Jeff Bingaman is proposing an amendment that would impose even stricter limits on fossil fuel use.

Politics is often illogical, but this momentum seems entirely untethered to real science. Since that Byrd-Hagel vote eight years ago, the case for linking fossil fuels to global warming has, if anything, become even more doubtful. The Earth currently does seem to be in a warming period, though how warm and for how long no one knows. In particular, no one knows whether this is unusual or merely something that happens periodically for natural reasons. Most global warming alarms are based on computer simulations that are largely speculative and depend on a multitude of debatable assumptions.

Then there's the famous "hockey stick" data from American geoscientist Michael Mann. Prior to publication of Mr. Mann's data in 1998, all climate scientists accepted that the Earth had undergone large temperature variations within recorded human history. This included a Medieval warm period when the Vikings farmed Greenland and a "little ice age" more recently when the Thames River often froze solid. Seen in that perspective, the slight warming believed to have occurred in the past century could well be no more than a natural rebound, especially since most of that warming occurred before 1940.

Enter Mr. Mann, who suggested that both the history books and other historical temperature data were wrong. His temperature graph for the past millennium was essentially flat until the 20th century, when a sharp upward spike occurs -- i.e., it looks like a hockey stick. The graph was embraced by the global warming lobby as

proof that we are in a crisis, and that radical solutions are called for.

But then, in 2003, Canadian mathematician Stephen McIntyre and economist Ross McKittrick published a critique calling Mr. Mann's work riddled with "collation errors, unjustifiable truncations or extrapolation of source data, obsolete data, geographical location errors, incorrect calculations of principal components, and other quality control defects." Correct for those errors, they showed, and the Medieval warm period returns.

Mr. Mann has never offered a serious rebuttal to the McIntyre-McKittrick critique. He has refused to fully explain his methodology, claiming he's the victim of "intimidation." That's odd when you consider that the sine qua non of real science is independently verifiable and reproducible results. ...

President Bush can in good conscience offer a polite rebuff to his friend Tony Blair when the British Prime Minister presses for American action on climate change at the upcoming G-8 summit in Scotland. Likewise, if Senators are going to insist on passing a pork-laden energy bill, the least they could do is avoid senseless limits on future economic growth such as the Kyoto-lites on offer from Messrs. McCain, Lieberman and Bingaman.

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IN CASE YOU MISSED IT...

The Miami Herald

Thursday, June 23, 2005

Few benefits to Climate Act

The Herald's June 13 editorial, Approve the Climate Stewardship Act, doesn't address the lack of a scientific consensus on the cause of global warming and ignores the impact that such legislation would have on Floridians.

According to a recent study from Charles River Associates, Florida's agriculture sector would suffer increases in fuel and fertilizer costs, and production would decline 1.6 percent to 3.4 percent. Production from energy-intensive sectors will decrease by 3.4 percent to 7.5 percent, and the service sector would lose 0.7-1.8 percent of its production in 2020.

The same study estimates that Florida would lose 2,400 and 17,200 jobs in 2010 and 2020 respectively, and anticipated tightening of caps will result in even greater numbers.

Perhaps the most disheartening statistic shows that the poorest 20 percent of households with annual incomes of \$14,600 or less will bear a 64-percent larger

burden from energy-cost increases than the highest income households. The elderly will face a burden 14 percent greater than the population under 65.

All in the name of averting about .029-degrees Celsius in temperature by 2050 -- if one assumes climate alarmists are correct. Are Floridians willing to accept those astonishing costs in return for virtually no benefit?

SEN. JAMES M. INHOFE, chairman, Environment and Public Works Committee,

U.S. Senate, Washington, D.C.

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